

SENATE BILL NO. 407

INTRODUCED BY BALES, BLACK, LAMBERT

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ISSUE A GENERAL PERMIT GOVERNING THE AUTHORIZATION FOR LIMITED DISCHARGES OF WATER PRODUCED FROM COAL BED METHANE EXTRACTION INTO EXISTING IMPOUNDMENTS FOR ~~EMERGENCY~~ WATER FOR LIVESTOCK AND WILDLIFE; PROVIDING A WATER QUALITY STANDARD; REQUIRING REPORTS TO THE LEGISLATURE; AND PROVIDING ~~AN IMMEDIATE~~ A CONTINGENT EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. ~~Emergency-discharge~~ DISCHARGE authorization for livestock and wildlife water.** (1) The department shall issue a general permit governing the authorization for discharges of water produced from coal bed methane extraction into existing impoundments for the purpose of providing ~~emergency~~ water for livestock and wildlife.

(2) A person who files a notice of intent to be covered under a general permit pursuant to subsection (1) is considered to be covered by the general permit.

(3) An authorization to discharge under a general permit issued under this section may not exceed 180 days IN ANY CALENDAR YEAR.

(4) THE ONLY WATER QUALITY STANDARD APPLICABLE TO THESE IMPOUNDMENTS IS A NARRATIVE STANDARD OF SUFFICIENT QUALITY FOR LIVESTOCK AND WILDLIFE WATERING AT THE TIME OF DISCHARGE AND DURING PERIODS OF USE.

(5) A PERSON ISSUED A GENERAL PERMIT GOVERNING THE AUTHORIZATION FOR THE DISCHARGE OF WATER PROVIDED FOR IN THIS SECTION SHALL COMPLY WITH THE REQUIREMENTS OF TITLE 85, CHAPTER 2.

(6) DISCHARGES OF WATER PRODUCED FROM COAL BED METHANE EXTRACTION MAY NOT CAUSE A SINGLE EXISTING IMPOUNDMENT TO EXCEED MORE THAN 25 ACRE-FEET OF WATER.

(7) A PERSON MAY NOT FILE A NOTICE OF INTENT PROVIDED FOR IN THIS SECTION AFTER JUNE 30, 2009.

(8) IF ANY DISCHARGE AUTHORIZED PURSUANT TO THIS SECTION EXCEEDS APPLICABLE WATER QUALITY STANDARDS, THE OIL AND GAS DEVELOPER WHO PRODUCED THE WATER FROM COAL BED METHANE EXTRACTION IS LIABLE FOR DAMAGES AND SUBJECT TO APPLICABLE FINES AND PENALTIES.

1 (9) DISCHARGES OF WATER PRODUCED FROM COAL BED METHANE EXTRACTION MAY NOT CAUSE A SINGLE
2 EXISTING IMPOUNDMENT TO EXCEED MORE THAN 25 ACRE-FEET OF WATER OR 75% OF THE CAPACITY OF THE EXISTING
3 IMPOUNDMENT, WHICHEVER IS LESS.

4 (10) FOR THE PURPOSES OF THIS SECTION, "EXISTING IMPOUNDMENTS" MEANS IMPOUNDMENTS CONSTRUCTED
5 BEFORE [THE EFFECTIVE DATE OF THIS ACT].

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7 NEW SECTION. Section 2. Report to Legislature. On or before September 1 of 2008 and 2010,
8 the Department of Environmental Quality shall, as provided in 5-11-210, submit a report to the Legislature
9 detailing the administration of the general permit established in [Section 1].

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11 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
12 integral part of Title 75, chapter 5, and the provisions of Title 75, chapter 5, apply to [section 1].

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14 NEW SECTION. Section 4. Effective CONTINGENT EFFECTIVE date. [This act] is effective ~~on passage~~
15 ~~and approval~~ when the Legislature appropriates to the Department of Environmental Quality at least
16 \$75,000 to implement and administer the general permit provided for in [Section 1].

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